

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4798 of 2024

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Dharni Dhar Road Nagar Nigam Market Kirayadar Sangh, Tower Chowk, Laheria Sarai, Darbhanga, through its President (Adhyakshya) Rajiv Kumar Choudhary, Male, aged about 61 Years, Son of Late Ram Pratap Chaudahry, Resident of Mohalla-Wheelerganj, Balbhadrapur, P.S.-laheria Sarai, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Housing and Urban Development, Patna, Bihar.
2. Municipal Commissioner, Darbhanga Municipal Corporation, Darbhanga.
3. Commissioner, Darbhanga Division, Darbhanga.
4. District Officer, Darbhanga.
5. Chief Municipal Officer, Darbhanga Municipal Corporation, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Rakesh Prashad, AC to SC-21
For the DMC	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 08-10-2024 Heard the parties.

2. The present writ petition has been preferred for the grant of following relief/s:-

“(a) For issuance of writ in the nature of Certiorari setting aside or quashing the order dated 26.04.2023 bearing letter no.1320 contained in (Annexure-7) passed by Municipal Commissioner, Darbhanga Municipal Corporation Darbhanga whereby the rate of Licence fee/rental chargeable



from the petitioner has arbitrarily been enhanced from Rs.14 to 17 per square feet of the front side shops of Dharni Dhar Road Nagar Nigam Market and from Rs. 10 to 13 per Square feet of the backside shops of the aforesaid market for the period of 1st April 2023 to 31st March 2026 without serving notice upon the shop owners of the aforesaid market.

(b) For issuance of writ in the nature of mandamus commanding the respondents to repair and maintain as well as to provide basic facilities like water supply, latrine, drainage and sewerage to the shop owners of Dharni Dhar Road Nagar Nigam Market, Laheria Sarai, District- Darbhanga.

(c) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.

3. A counter-affidavit has come in the matter and the respondents have reasoned out on the enhancement of the rates.



4. Learned counsel for the petitioner submits that though earlier there was an agreement, the respondents have transgressed from the said agreement and has taken some decision which was not part of the said agreement. Additionally, though the rates are being enhanced, the facilities is/are very poor inasmuch as the shopkeepers have no place to take rest or having a proper washroom or drinking water facilities.

5. This Court is of the view that the least that is expected from the respondent/Darbhanga Municipal Corporation is to have a clean campus with a proper restroom including the washroom and clean drinking water facilities. It cannot on the one hand keep on enhancing the rate and on the other hand, deprive those having their shops there to go out for even attending the nature's call.

6. This Court deems it fit and proper, the petitioner (Dharni Dhar Road Nagar Nigam Market Kirayadar Sangh) to take up the matter with the Municipal Commissioner, Darbhanga so that all their grievances are taken note of and an appropriate order is passed.

7. This Court deems it fit and proper that the petitioner sit with the Municipal Commissioner, Darbhanga on 21.10.2024 at 03:00 PM whereafter the Municipal



Commissioner, Darbhanga Municipal Corporation will be free to fix the date for further hearing according to his/her convenience.

8. The aforesaid date has been fixed only to make the Municipal Commissioner, Darbhanga Municipal Corporation aware of the present order.

9. So far as the extension of basic facilities/amenities are concerned, this Court reiterates that the Darbhanga Municipal Corporation is duty bound to provide all the basic facilities which have already been observed above for the convenience of the shopkeepers/people visiting the place.

10. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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